

**FILED**

FEB 21 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	Case No. 05-63146
THE QUAY CORPORATION, INC.,	)	
	)	
Debtor/Debtor-In-Possession.	)	Chapter 11
	)	
THE QUAY CORPORATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
	)	Adversary No. 07 A 00577
	)	
LOS GALANES SUPERMARKET, INC., et al	)	Honorable Jack B. Schmetterer,
	)	Bankruptcy Judge
Defendant.	)	

**AMENDED  
RECOMMENDED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**  
(Non-Core)

Following entry of a Default Order, the Court makes and orders to be entered the following Recommended Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On October 18, 2005, the Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On June 22, 2007 the Plaintiff filed its Complaint against the Defendant under Sections 105 and 542 of the Bankruptcy Code seeking to recover \$16,621.49 from the Defendant.
3. The Plaintiff supplied Defendant with goods between April, 2006 and March, 2007 for which Defendant agreed to pay the Debtor.

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JUDGE DARRAH  
MAG.JUDGE MASON**

4. After credits due to Defendant for payments and returns, there remains a balance due to the Plaintiff for the outstanding invoices of \$16,621.49.

5. The Plaintiff has made demand for payment.

6. Defendant has failed and refused to pay the amount owed in response to the demands.

7. The Plaintiff has fully performed all of its obligations and responsibilities required under the agreement.

8. Any findings of fact that are actually conclusions of law shall be treated as conclusions of law.

#### **CONCLUSIONS OF LAW**

This Court has related jurisdiction over the Complaint and pursuant to 28 U.S.C. Sections 1334 and 157 and pursuant to Article VIII, Section 8.9 and Article XI, Section 11.1 of the Debtor's Second Amended Plan of Reorganization.

1. The Complaint and the matters arising thereunder are related proceedings.

2. Venue is proper in this Court pursuant to 28 U.S.C. Section 1409.

3. This adversary proceeding is brought pursuant to Rule 7001 of the Federal Rules of Bankruptcy procedure.

5. The Plaintiff is entitled to a judgment against the Defendant in the amount of \$16,621.49.

6. The Defendant has failed and refused to pay the amount due to the Plaintiff.

7. Pursuant to Section 542(b) of the Bankruptcy Code the Plaintiff is entitled to payment from the Defendant of the amount due of \$16,621.49.

8. Any conclusions of law that are actually findings of fact shall be treated as findings of fact.

DATE: February 5, 2008

ENTER:

JUDGE

A large, stylized handwritten signature in black ink is written over the signature line. The signature is cursive and somewhat abstract, with a large loop at the beginning and a long, sweeping tail that extends to the right.

**CERTIFICATE OF SERVICE**

I, Dorothy Clay certify that on February 5, 2008, I caused to be mailed by United States first class mail copies of the foregoing Amended Recommended Findings of Fact and Conclusions of Law to the following:

Jeffrey C. Dan, Esq.  
David K. Welch, Esq.  
Crane, Heyman, Simon, Welch & Clar  
135 South LaSalle Street  
Suite 3705  
Chicago, IL 60603-4297  
Counsel for Plaintiff

Office of the U.S. Trustee  
Suite 3350  
227 W. Monroe Street  
Chicago IL 60606

Los Galanes Supermarket, Inc.  
c/o Registered Agent  
Antonio Garcia  
2693 South Main Street  
Elkhart, IN 46517  
Defendant

  
Secretary/Deputy Clerk

08cv1064

**JUDGE DARRAH  
MAG. JUDGE MASON**

**CLOSED**

**U.S. Bankruptcy Court  
Northern District of Illinois (Chicago)  
Adversary Proceeding #: 07-00577  
Internal Use Only**

*Assigned to:* Honorable Judge Jack B. Schmetterer    *Date Filed:* 06/22/07  
*Related BK Case:* 05-63146    *Date Terminated:* 11/29/07  
*Related BK Title:* The Quay Corporation, Inc.  
*Related BK Chapter:* 11  
*Demand:* \$27000  
*Nature[s] of 11 Recovery of money/property -*  
*Suit:* 542 turnover of property

**FILED**

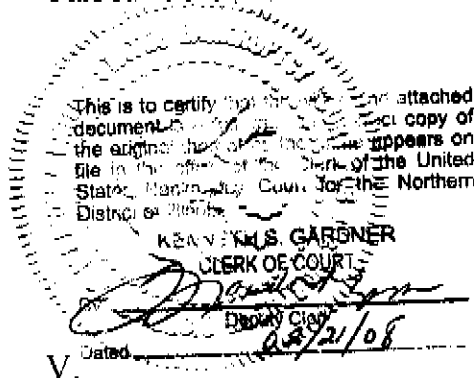
**FEB 21 2008**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**Plaintiff**

**The Quay Corporation, Inc.**  
Tax id: 36-3219222

represented by **Jeffrey C Dan**  
Crane Heyman Simon Welch &  
Clar  
135 S Lasalle St Ste 3705  
Chicago, IL 60603  
312 641-6777  
Fax : 312 641-7114  
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**LEAD ATTORNEY**



**Defendant**

**Los Galanes Supermarket, Inc  
d/b/a Los Galanes Fresh Market**

represented by **Los Galanes Supermarket, Inc  
d/b/a Los Galanes Fresh Market  
PRO SE**

**Grand Mart**

represented by **Grand Mart  
PRO SE**

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Filing Date	#	Docket Text
06/22/2007	●1	Adversary case 07-00577. (11 (Recovery of money/property - 542 turnover of property)): Complaint by The Quay Corporation, Inc. against Los Galanes Supermarket, Inc d/b/a Los Galanes Fresh Market. Fee Amount \$250. Status hearing to be held on 8/2/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Dan, Jeffrey) (Entered: 06/22/2007)
06/22/2007	●2	Summons Link Summons Issued on Los Galanes Supermarket, Inc d/b/a Los Galanes Fresh Market Answer Due 07/23/2007 (Dan, Jeffrey) (Entered: 06/22/2007)
06/22/2007	3	Receipt of Complaint(07-00577) [cmp,cmp] ( 250.00) Filing Fee. Receipt number 7153756. Fee Amount \$ 250.00 (U.S. Treasury) (Entered: 06/22/2007)
06/22/2007	●4	Alias Summons Issued on Los Galanes Supermarket, Inc d/b/a Los Galanes Fresh Market Date Issued 6/22/2007, Answer Due 7/23/2007 (RE: [2] Summons Issued). Status hearing to be held on 8/2/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Epps, Wanda) (Entered: 06/25/2007)
07/03/2007	●5	Summons Service Executed on The Quay Corporation, Inc. 6/22/2007 (RE: 4 Alias Summons Issued, ). (Dan, Jeffrey) (Entered: 07/03/2007)
08/02/2007	●6	Hearing Continued (RE: 1 Complaint, ). Status hearing to be held on 8/23/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 08/02/2007)
08/24/2007	●7	Hearing Continued (RE: 1 Complaint, ). Status hearing to be held on 9/20/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 08/24/2007)
09/20/2007	●8	Hearing Continued (RE: 1 Complaint, ). Status hearing to be held on 10/16/2007 at 10:30 AM at 219 South Dearborn,

		Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 09/20/2007)
10/16/2007	●9	Hearing Continued Status hearing to be held on 10/30/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 10/16/2007)
10/23/2007	●10	Notice of Motion and Motion for Default Judgment against Los Galanes Supermarket, Inc. and in favor of The Quay Corporation, Inc. in the amount of \$16,621.49 Filed by Jeffrey C Dan on behalf of The Quay Corporation, Inc.. Hearing scheduled for 10/30/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Proposed Order) (Dan, Jeffrey) (Entered: 10/23/2007)
10/23/2007	●11	Proposed Findings of Fact and Conclusions of Law Filed by Jeffrey C Dan on behalf of The Quay Corporation, Inc. (RE: 10 Motion for Default Judgment, ). (Dan, Jeffrey) (Entered: 10/23/2007)
10/30/2007	●12	Hearing Continued Status hearing to be held on 11/13/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 10/30/2007)
10/30/2007	●13	Hearing Continued (RE: 10 Default Judgment). Hearing Scheduled for 11/13/2007 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604. (Smith,Deborah) (Entered: 10/30/2007)
11/13/2007	●14	Hearing Continued (RE: 1 Complaint, ). Status hearing to be held on 11/15/2007 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Smith, Deborah) (Entered: 11/13/2007)
11/13/2007	●15	Order of Default against Los Galanes Supermarket Inc (RE: 10 Motion for Default Judgment, ). Signed on 11/13/2007 (Epps, Wanda) (Entered: 11/14/2007)
11/26/2007	●16	Recommended Finding of Facts and Conclusions of Law .

		(Epps, Wanda) Modified on 1/24/2008 to include with certificate of service (Camacho, Marilyn). (Entered: 11/29/2007)
11/29/2007	17	Adversary Case 1-07-ap-577 Closed . (Epps, Wanda) (Entered: 11/29/2007)
02/05/2008	18	AMENDED Recommended Finding of Facts and Conclusions of Law Pursuant to Rule 9033 (non-core). And Certificate of Service. Objections due by 2/15/2008 for Los Galanes Supermarket, Inc d/b/a Los Galanes Fresh Market Transmission Due by 2/19/2008. (Cabrales, Claudia) (Entered: 02/06/2008)